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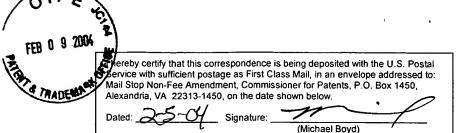
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			Application Number		09/665,728		
TRANSMITTAL			Filing Date		September 20, 2000		
FORM			First Named Inventor		Lawrence W. STANTON		
			Art Unit		1646		
(to be used for all correspondence after initial filing)			Examiner Name		E. O'Hara		
Total Number of Pages in This Submission		6	Attorney Docket Numb	er	219002031600		
ENCLOSURES (Check all that apply)							
Fee Transmittal Form		Drawing(s)			After Allowance Communication to Group		
Fee Attached	Licensing-related Papers			Appeal Communication to Board of Appeals and Interferences			
X Amendment/Reply (3 pages)	Petition				Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)		
After Final	Petition to Convert to a Provisional Application				Proprietary Information		
Affidavits/declaration(s)	X Power of Attorney, Revocation Change of Correspondence Address (2 pages)				Status Letter		
Extension of Time Request	Terminal Disclaimer			<u> </u>	Other Enclosure(s) (please identify below):		
Express Abandonment Request		Request for	Refund	F	Return postcard		
Information Disclosure Statement		CD, Number	of CD(s)				
Certified Copy of Priority Document(s)							
Response to Missing Parts/							
Response to Missing Parts under 37 CFR 1.52 or 1.53							
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT							
Firm MORRISON & FOERSTER LLP James J. Mullen, III, Ph.D 44,957							
Signature Au Ha							

an envelope addressed to: Mail Stop	nce is being deposited with the U.S. Postal Service with sufficient po Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, A	
on the date shown below.  Dated: 2-5-04	Signature: (Mich	ael Boyd)

Date

February 5, 2004



Docket No.: 219002031600

Confirmation No.: 8743

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Lawrence W. STANTON et al.

Application No.: 09/665,728

Filed: September 20, 2000 Art Unit: 1646

For: SECRETED FACTORS Examiner: E. O'Hara

## RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed January 6, 2004. Accordingly, this response is timely filed.

## **ELECTION OF INVENTION**

Claims 34-47 are pending in this application. Restriction has been required as between the following allegedly distinct groups of inventions:

Group I (claims 34-39), drawn to a method for identifying genes differentially expressed in disease state.

Group II (claims 40-47), drawn to a method for identifying candidate compounds that modify expression of a gene differentially expressed in a disease state comprising providing a candidate compound to the subject in the disease state and determining if the candidate compound modifies expression.

Applicants hereby elect Group I (claims 34-39), without traverse. Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit**Account No. 03-1952 referencing 219002031600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 5, 2004

Respectfully submitted,

James J. Mullen, III, Ph.D. Registration No.: 44,957

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